

HAWAIIAN GAZETTE.

SEMI-WEEKLY.
ISSUED TUESDAYS AND FRIDAYS

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W. S. FARRINGTON, EDITOR

FRIDAY, JUNE 19, 1896

Continual dropping of stones, and continual talk of the good citizens of Hilo. Here that their busy little blue most important place in the Hawaiian Islands. If there ever was a little Boston in the whole Pacific ocean, Hilo is the place.

The fact that Minister Willis, in his interview with the Washington Star reporter, made no reference to the quotation from the Star that created quite a breeze in this country, is very likely an evidence of what a change of climate and a good rest will do for a man's temper.

Between two stools the cable has reached the proverbial dump, and it is unlikely to be heard of again till next year, perhaps. It is a grievous pity, because the cable would be an extra link, and a strong one to bind us to the United States. With the cable we should be in daily communication. The cable does not only mean news and a proper commercial command, but it means more intimate political and social relations. The only thing now is to wait and hope, but hope deferred maketh the heart sick.

An evening contemporary, in an apparently serious manner, asks why home talent was not employed in producing the portrait of the late Judge McCully, presented to the Supreme Court. It also states that the portrait was paid for out of public funds. The fact of the matter is that the portrait was ordered and paid for by Judge McCully's widow, and no department of the Government had anything to do with the production of the portrait or the payment of the artist. It is unfortunate indeed that such uncalled-for criticism should have been passed upon a gift from a lady whose interest in the welfare of this country has never waned. The only redeeming feature is the irresponsible source from which the remarks emanated.

The list of congratulations to the first Legislature of the Republic would hardly be complete without a word of commendation upon the quiet manner in which the Opium bill was laid away on the shelf. Whatever may have been the individual opinions of the legislators on the question of licensing the sale of opium, we have noted with pleasure the readiness with which the Special Opium Committee listened to the assertion of public opinion that this Legislature was not the proper body to take such a measure under serious advisement. At the opening of the session several members felt very much injured by the adverse remarks passed upon their action in the public print. Time alone could prove the wisdom of the Senators or the public print, and as time has passed there seems to be no doubt of the advisability of nailing the opium measure in the legislative coffin at the earliest possible date. Thanks to the common sense of the representatives of the people who saw how strong the current of public opinion was setting, the generally accepted anti-opium plank in the political platform of the Republic remains intact and we sincerely hope that the experience of this session will result in the anti-opium plank remaining firm in its present place for years to come.

The story about England's proposed action in the case of Volney Ashford bears all the earmarks of an out-and-out fake, and Minister Cooper's statement leaves no doubt of the untruths that the people of the United States have been treated to. A short review of the situation shows conclusively how ill-advised the purported demand of England would be. In the first place, Great Britain admitted the legality of the Military Commission. Furthermore, the highest courts of this country sustained the action of the Commission. A little later, the story goes, Great Britain objected to the conclusion of the Commission in Ashford's case, because he was convicted upon the testimony of an accomplice. It now seems unreasonable that the British Government should request the Hawaiian Government to reverse the decision of a court the legal status of which is accepted to be as sound as the Supreme Court. As to what advances England has made, the public is still in the dark, but if the diplomatic correspondence on the Ashford case ceased in February last, there is not much prospect of British guns being brought to bear on Hawaii simply because Ashford is not allowed to return. Mr. Ashford is doing well where he is, and he is likely to remain out-

side the public mind.

Hawaiian Re-

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LAVANIC WAVES.

the Australia will be an interest by many people. The fact of the tidal wave higher on Kauai than on the West or Southwest, it probably came from Mexico, both of which are great volcanic centres. Of course there may have been a submarine eruption, but a mighty eruption there has been somewhere, of that there can be no doubt.

There is no telling how closely connected the phenomena of the volcanic centres of the Pacific ocean are. The fact of the disappearance of the fires of Kilanea and the eruption and subsidence of Mokuaweoweo may have had an influence upon the craters of the Aleutian chain. As a fact science knows very little about the causes of earthquakes and volcanic phenomena in general, and the chances are that it never will, unless it can send a Röntgen ray towards the centre of the earth and solve definitely what is the condition of the interior.

CITIZENSHIP AND PATRIOTISM.

This talk about American citizenship in connection with the celebration of the anniversary of American Independence is entirely out of place. To the man born on American soil the Fourth of July represents a sentiment far above and beyond the question of the legality of citizenship. It is a day when every American shows what spark of patriotism he has in his veins; it is a day when the foundation of broad republican principles, exemplified in the first republic, the greatest and strongest republic the world has ever known, is commemorated. That republic is the United States of America. It is a day when men born in the United States and reared under the beneficent influence of its liberal institutions, which properly scoff at the idea that one man is better than another simply because he happens to be born into this or that family, rehearse the glories of their native country and reassert their loyalty to the principles of freedom and equality.

It makes no difference whether the American has become a naturalized citizen of another country, he should always be true to the memories at least of his native land. The man who can forget the country of his birth deserves the fate of the "man without a country." How many naturalized citizens in the United States show their respect for their various home lands by observing with appropriate ceremonies the days set apart in the mother country for public celebration.

Again, who of the Americans in Hawaii can lose his honor and love for his country and his flag in consequence of a possible peculiar and erratic interpretation of law by one who happens to be the chief executive of the nation? We doubt if any one American of this stamp can be found in the Hawaiian Islands. Blood is thicker than the water of political rhytules. The Americans of Hawaii have in years passed shown that they are not such weak minded, unpatriotic individuals as some would like to make them out, and they will add still another exemplary proof in this year of our Lord 1896. President Cleveland might make declarations on the question of citizenship from now until doomsday, but when he had made his last condemning assertion he would find the fire of American patriotism burning brighter than ever before in these little islands of the Pacific. It is to "Old Glory" and Columbia's fair name that Americans pay their tribute.

AMERICAN PARTY POLITICS.

The latest dispatches from the States bring news of the gathering of the Republican clans at St. Louis preparatory to naming their party leader in the coming Presidential campaign. Unless all signs fail, that convention has now adjourned after naming William McKinley of Ohio as the candidate for President. This result seems inevitable, as McKinley has been winning delegates from the ranks of his opponents and Joe Manley, Reed's political manager, seems to be the only one of the machine politicians who has not given up hope. Quay of Pennsylvania has openly admitted sure success of the Ohio man, and Platt of New York has kept quiet. A number of Morton's delegates have joined the McKinley throng and if in the convention any of the anti-McKinley men get any votes they will be the complimentary ballots of home delegations.

The platform on which the Republican candidate is nominated will be one of the most interesting features of the campaign. The remarkable inroads which the free silver men have made in the Democratic ranks cannot be without some influence in drawing up the financial plank of the Republican plat-

form. McKinley will attempt to make the fight on the tariff, but there is good reason to believe that a broad financial straddle will be made at St. Louis.

In the Democratic State convention throughout South and West President Cleveland's financial policy has met with crushing defeat and already the silver faction has almost enough delegates to assure a 16 to 1 silver platform at Chicago. In Kentucky, where Secretary Carlisle hoped to win a complimentary delegation, the State convention was captured by the free silver men. As Carlisle has allowed Mr. Cleveland to force him into the ranks of the gold-bugs, the Kentucky convention, rather than sounding Carlisle's praises, sounded his political death knell. Virginia Democrats have joined the free silver ranks and one State following after another in this line wipes out all hope President Cleveland may have had for a fourth nomination.

Vice-President Stevenson is looming up as a possible Democratic candidate. His good sense in keeping a quiet political tongue for four years is now very evident. Even such a radical silverite as Bland of Missouri is mentioned in connection with the Democratic leadership. Should the Chicago convention declare for free silver, the Democratic party would undoubtedly gain a large vote that for the past few years has been scooped in by the Populists, and at the same time lose a large number of followers of the Mugwump branch.

As the great political parties begin to close in their ranks preparatory to the great political fight it becomes apparent that the struggle for supremacy will be one of the most interesting and most sharply contested for years. Party lines will be broken right and left throughout the South and West. The financial issue refuses to be downed.

MINISTER WILLIS' INTERVIEW.

Minister Willis has been talking in a most amiable manner about the Republic of Hawaii. Evidently the Minister has seen Mr. Cleveland and has learned that he should have a change of heart. Seeing that he devoted himself ostentatiously to worry the Government here, and that he was perpetually running to them complaining of the attacks in the press, this right about face movement is refreshing.

However, the change of opinion is all in our favor, and we can only say that it is pleasing to know at last that Minister Willis' time was not wasted, but that he acquired a wholesome respect for Republican institutions. Like the man who "came to scoff and stayed to pray," he came to destroy Republicanism and restore a throne, but he stayed to finally believe in Republicanism and to despise royalty, as every good American should.

The Washington Star, in its editorial columns, remarks as follows upon Mr. Willis' change of heart:

Albert S. Willis, envoy extraordinary and minister plenipotentiary of the United States to the Republic of Hawaii, is in Washington. He has talked to a representative of the Star and has said some extremely interesting if not surprising things. The Star has, from time to time, through the medium of its correspondent in the Hawaiian Islands, made plain the international situation as it appeared to Hawaiians. Now comes Minister Willis, who voluntarily places himself on record to the effect that the people of Hawaii have been uniformly friendly and amiable; more than that, they have been very cordial in their treatment of him as the representative of the United States, not harboring resentments. There could hardly be stronger testimony than this to the self-restrained and forgiving disposition of the Hawaiians. It will also interest many of the Star's readers to note—in the interview which appears in another column—the tribute which Minister Willis pays to the wisdom and capacity of the Hawaiian Government. He says that phenomenal prosperity prevails, that money is plentiful, and that people are, as a matter of course, well content. The possibility of a restoration of the monarchy—delicate though that thought may be for diplomatic conversation—is dismissed by Mr. Willis. He says there is no talk and no evidence of desire to restore the Queen; nowhere is there appearance of dissatisfaction with the Hawaiian Government as at present constituted. Emanating from some sources, such testimony as this would be no more than ordinarily interesting, but coming as it does from the man who was sent to Honolulu for the express purpose of overthrowing the Republic and re-establishing the rotten and inexcusable monarchy, it is entitled to a great deal of respect.

HOMESTEADS.

The land business in Hilo, on June 1st and 2d, shows how well the land law works. The favorable system under which the applications are made is the "right of purchase" system. The strict condition on these leases is that the applicants must go and live on the land. This will give us "bona fide" settlers, and not land-grabbers, who will hold the land waste until there comes a rise in prices. These lots will all be put into cultivation and houses will be built upon them. The favorite lots are those malak of the Pundhawal

lots and a correspondent writes "if there were a few thousand acres more near town to lay out, they would all be taken up."

It was some time before the citizens of Hilo dropped to the fact that they had better secure lands for themselves, but they have realized the wisdom of doing so now, and under one scheme or another most of them own lands, or at least homesteads.

The nine hundred and ninety-nine year system is an excellent one for Hawaiians, as it absolutely prevents them alienating their home steads, since such homesteads cannot by law be mortgaged, nor can they be taken by legal process for debt.

The leases in Hilo are held on a plan which renders the land in time the actual property of the owner and is inalienable either by mortgage or other legal process.

Once get thrifty and hard working people on the land and you have a population ready to support good government, and also keen and appreciative enough to send good representatives to the Legislature to see that good government is carried out.

It is to be hoped that the Commission of Public Lands will push on its work vigorously. There is perhaps no more important Bureau under the Government than this, for upon its energy depends a very large share of the prosperity and future of this country. Fortunately it is conducted by able men.

CLEVELAND'S VETO.

President Cleveland, in vetoing the river and harbor appropriation bill, passed by the United States Congress, said: "To the extent that the appropriations contained in this bill are investigated by private interests and promote local or individual projects their allowance cannot fail to stimulate a vicious paternalism and encourage sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of Governmental care. I believe no greater danger confronts us as a nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality and not the allowance of unfair favoritism."

This is one way of looking at the matter, but it is quite as un-American as President Cleveland's opinions usually are. Following out the same principle he would veto an appropriation of money to assist a cable company or a steamship line. He would have the Federal Government entirely withdraw from giving assistance to individuals who by virtue of the assistance would be enabled to strengthen the position of their country as one of the leading commercial nations of the world. If our own President had followed the example of the former New York Sheriff the development of the resources of this country would never be accomplished. When "direct and especial favors" mean the improvement of harbors and carrying on public works, there can be nothing better to inspire a love for the central Government. This last veto of President Cleveland gives very good proof of the needed change in the occupant of the United States Presidential chair, and it is not surprising that the members of Congress have obtained enough votes to pass the river and harbor bill over the President's veto.

CORPORATION GREED.

The accumulation of wealth into the hands of the few is one of the peculiar features of our nineteenth century. In many cases this is honestly come by, but in many it has been torn from hands that ought to own it yet, made up from the ruins of a little business here, or another little business there, which has been crushed out of existence and their owners ruined in order to swell the dividends of some mighty monopoly.

The story told of the oil trust in "Wealth versus Commonweal" is the story of a series of robber raids as unscrupulous as those of the Robber Knights of the Rhine, or the exploits of Captain Kidd and other pirates of the Spanish main. And the wealth gleaned from that source is stamped with equal crimes.

We never see a donation made by Rockefeller without thinking of the ruined homes and the ruined men and women that can be seen in the background of it, and thinking that the donation made to this or that college is very like, in essence, the founding of abbeys and churches which was the favorite way of appeasing Heaven by the sinful old rascals of the Middle Ages.

BY AUTHORITY.

EXECUTIVE NOTICE.

The following persons have been chosen members of the Council of State:

ELECTED BY THE HOUSE OF REPRESENTATIVES:

Messrs. D. L. Naone, A. G. M. Robertson, E. C. Winston, Mark P. Robinson, John Ena.

ELECTED BY THE SENATE:

Messrs. W. C. Wilder, Cecil Brown, P. C. Jones, J. A. Kennedy, C. Bolte.

APPOINTED BY THE PRESIDENT:

Messrs. G. W. Smith, J. P. Mendonca, John Phillips, John Nott, S. K. Kane. GEO. C. POTTER, Secretary Foreign Office.

Executive Building, June 16, 1896. 1769-11. 4330-11.

PUBLIC LANDS NOTICE.

Notice is hereby given that the lands described in the schedule hereto will be open for application on or after July 7th next under the provisions of the Land Act of 1895, for homestead leases.

Schedule.

Ten lots in Haleohia, North Kona, Hawaii, containing about eight acres each.

These lots are near the upper Government road, and distant about 7½ miles from the Kailua landing.

All applications for the said lots must be made in person by the applicant, at the office of the sub-agent, in Kailua, North Kona, where plans of the land may be seen and further particulars obtained. Information may also be obtained at the Public Lands Office, Honolulu.

The office of the sub-agent at Kailua will be open to receive applications at 9 o'clock a. m. on Tuesday, July 7, 1896.

J. F. BROWN, Agent of Public Lands. 1767-11.

SALE OF PUBLIC LANDS.

On Monday, July 6, 1896, at 12 o'clock noon, at the Postoffice, (J. Kaelemakule's store), Kailua, N. Kona, Hawaii, will be sold at Public Auction, two lots of Government land in Wailua, N. Kona, as follows:

Lot No. 2 of Public Land Map of Wailua, containing total area of 43 8-10 acres. The Government reserves the right to a strip fifteen feet wide from the Kailua road to Lot No. 3, if the same is required as right of way to last-named lot, the area of such strip being 1 8-10 acres.

Upset price of Lot 2, \$500.

Lot No. 3 of Public Land Map, Wailua, extending from Lot 2 to upper Government Road.

Area, 40 acres.

Upset price, \$750.

The above are good agricultural lands, from a mile to a mile and a half from the Kailua landing.

TERMS AND CONDITIONS.

The terms of the sale are cash, or, at the option of the purchaser, one-fourth of the purchase price cash, and the remainder in equal installments in one, two and three years, with interest payable semi-annually, at the rate of six (6) per cent. per annum, provided, that the purchaser may pay any such installment before it is due, and thereby stop the corresponding interest.

Each purchaser shall begin substantial cultivation and improvement of his lot during the first year, and shall continue such cultivation through the succeeding two years, and shall have in cultivation at end of third year, twenty-five per cent of his lot.

At the end of the third year, or sooner, if twenty-five per cent of the land has been put under bona fide cultivation, the purchase price fully paid, and all conditions fulfilled, purchaser shall receive patent conferring Fee Simple Title.

Failure to perform the above conditions shall work forfeiture of interest in land.

In case of forfeiture, land to be sold at auction by the Government, and if such sale result in advance on the original price, the original purchaser to receive therefrom the amounts of his payments to the Government on account of purchase, without the interest and a pro rata share in such advance in proportion to the amounts of his payments. If such sale shall result, however, in a less price than the original, the amount returnable to him shall be charged with a pro rata amount of such decrease proportioned to the amounts of his payments.

An agreement shall be signed by each purchaser, with the Government, covering these conditions, and any as-

signment of such agreement without the prior written consent of the commissioners of Public Lands, shall work a forfeiture thereof.

Each purchaser shall pay the first installment of the purchase price immediately after the sale.

Plan showing survey may be seen at the Public Lands Office, Judiciary building, Honolulu, or at the office of J. Kaelemakule, Kailua, N. Kona, where further particulars can be obtained.

J. F. BROWN, Agent of Public Lands. 1766-11.

TENTH ANNUAL MEETING

OF THE

Maui Racing Association

AT

Spreckels' Park, Kahului.



July 4th, 1896

OFFICIAL PROGRAM

Races to Commence at 10 O'Clock A. M. Sharp.

1. PONY RACE—1 mile dash. Free for all. For Ponies 14 hands and under. Purse \$50.
2. TROTTING RACE—Mile heats. Best 2 in 3. For Horses without a record of 3:10 or better. Purse \$75.
3. RUNNING RACE—Half mile and repeat. Free for all Hawaiian bred Horses. Purse \$75.
4. RUNNING RACE—One mile dash. Free for all. Purse \$150.
5. TROTTING AND PACING TO HARNES—One mile heats, best 2 in 5. For Horses without a record of 2:30. Purse \$150.
6. RUNNING RACE—One mile dash. Free for all Hawaiian bred Horses. Purse \$125.
7. NOVELTY RACE—Free for all Hawaiian bred Horses, \$25 for each quarter. Purse \$100.
8. MULE RACE—Running, one mile dash. Free for all. Purse \$50.
9. MAIDEN PONY RACE—Half-mile dash. Free for all. Winners of Race 1 to carry twelve pounds overweight. Purse \$40.
10. (HANDICAP) RUNNING RACE—Three-quarters mile dash. For Hawaiian bred Horses owned by Mauiites. Purse \$75.

All entries are to be made with the Secretary before 12 o'clock, THURSDAY, June 26th, 1896. Entrance fees to be 10 per cent of the purse unless otherwise specified.

All races to be run or trotted under the rules of the Maui Racing Association.

All Horses are expected to start unless withdrawn by 10 o'clock a. m. on July 3d, 1896.

General Admission 50 Cents
Grand Stand (extra) 50 Cents and \$1
Quarter Stretch Patches \$5

Per order of Committee.
A. N. KEPOKAI,
Secretary Maui Racing Association.
1768-11.

NOTICE

Is hereby given that I, Chop Tin (Ch.) of Kapaa, District of Kawaihau, Island of Kauai, Hawaiian Islands, hold as agent, treasurer and manager, collect and pay out, sign all documents and chattels, leases and upon all things and property of the firm name of See Shing Wai Co.

I make a protest against such sale published in the Hawaiian newspaper Kuakoa, dated May 15, A. D. 1896. Between Chop Choy, Ham Yook, Asee and Ham Man of Wailua, Island of Kauai, Hawaiian Islands, under the firm name of See Shing Wai Co., to Quong Wah On & Co., of Honolulu, Island of Oahu, mortgage intends to foreclose the mortgage for non-payment of principal and interest.

I furthermore say that I hold, since November 12, A. D. 1891, until today, as advisers and representatives of the See Shing Wai Co.

And the See Shing Wai Co. today is indebted to me. Last December, 1895, was \$12,264.23, with \$2,500 expenses. The whole sum comes up \$14,764.23.

And I also say that Chang Kim and Quong Wah On & Co. have no right whatever to make a sale and notice, without bringing things before the court.

CHOP TIN,
Agent and Manager See Shing Wai Co., Kapaa, Kawaihau, Kauai, May 23, 1896. 1764-1m

NOTICE OF DISSOLUTION OF CO-PARTNERSHIP.

Notice is hereby given that the co-partnership existing between Bruce Waring and Chas. S. Desky, under the firm name of Bruce Waring & Co., is hereby dissolved by mutual consent, and Chas. S. Desky assumes all the liabilities of the said firm and collects all outstanding debts belonging to the said Company.

Dated this 10th day of June, 1896.
BRUCE WARING & CO.
CHAS. S. DESKY.
1767-3ta

THE AD-INTERIM LEGISLATURE.

Difficult
Problems.

MAY BEGIN WITH SKE MUDGLE.

New Men in Republican Harness.
Some Have Had Plenty of Expe-
rience—President Dole's Appoint-
ments—Members New to the Faith.

Commissions have been issued to John Nott, John Phillips, S. K. Kane, G. W. Smith and J. P. Mendonca as Councilors of State under appointment by the President.

These commissions date from yesterday, and will continue for two years, or until the close of the next Legislature.

The Councilors selected by the President are conservative business men, who have had experience in legislative bodies. John Nott was one of the members of the Provisional Legislature appointed in 1893, and while not a man of great forensic ability, he has an opinion and a vote and he uses both in a way which tends to the best interests of peace and good government.

George W. Smith, the druggist, is a man of sterling qualities; a staunch annexationist and a firm supporter of the Government. His business career in Honolulu is one with which he or his friends can refer to with a great deal of pride. In the trouble of 1895 Mr. Smith joined the militia and was on active duty as long as his services were required.

John Phillips was a member of the Legislature of 1894, and after the overthrow, in 1895, was frequently consulted by the ex-queen. He is a man of decided opinions, which he does not hesitate to express either privately or in debate. While not an advocate of the Republican form of Government for the islands at its inception, he has within the past two years become a firm supporter of it. He was a good politician in the old days but with the changes of Government he has evolved into a level-headed business man, who will represent, as much as anything, the brain and brawn of the community. In the event of any diplomatic measure being discussed by the Council, Mr. Phillips may be counted upon to vote in a way that will be for the best interests of the islands.

Samuel Kapiol Kane is an Hawaiian and has been a successful practitioner at the bar for several years past. He has progressive ideas and is a man of considerable influence among the Hawaiians. He has been recognized in politics, and with his experience as a debater in the courts of the country he will no doubt be an acquisition to the body. He has not been active in political affairs for several years past, so that so far as this honorary position may be considered as of politics, Mr. Kane begins with new zeal and greater ability gained by wider experience.

James P. Mendonca is the only representative of the Portuguese here in the Council. He is a wealthy ranchman and resides with his family at Kaneohe. Mr. Mendonca was first appointed to the Council in 1894, and was regular in attendance at the meetings up to the time the body dissolved at the beginning of the session of the special Legislature.

Under the law the President is to appoint but five. The House of Representatives elect the same number, also the Senate. In the selections by these bodies no change was made from those who were appointed before.

The House named D. L. Naone, A. G. M. Robertson, E. C. Winston, Mark P. Robinson and John Ena, and the Senate selected W. C. Wilder, Cecil Brown, P. C. Jones, J. A. Kennedy and C. Bolte.

WHY TAKE AN OATH?

An American Questions the Grounds for Oath-taking.

HONOLULU, June 18, 1896.

MR. EDITOR:—A meeting of American editors or those claiming to be such having been called for the purpose of celebrating the Fourth day of July, the natal day of the American Republic, I deem it an appropriate occasion to discuss certain propositions now being made and advocated to some extent in the daily papers regarding forswearing of allegiance by Americans or other aliens to the country of their birth and becoming full fledged Hawaiians.

It is unknown to the public as to where this proposition had its origin, or as to the present call or necessity thereof.

This Government, as have former Hawaiian Governments, have granted to aliens—Americans, British, Germans, etc.—the rights of citizenship without demanding the forswearing of allegiance, and this Government especially

has heretofore accepted the services of such aliens and has granted them such rights. I am therefore not ready to believe that it is the desire of this Government that such forswearing of allegiance be demanded, or that it is prepared to revoke the privileges granted and accepted in good faith.

A NATIVE AMERICAN.

STEAMER MAKEE IN TIDAL WAVE.

Touches the Ocean Bed in Kapaa Harbor.

SMALL BOATS ON THE BEACH.

The Captain's Hair Did Not Turn White—But His Knees Trembled. Noticed Fall in Tide Same Hour as in Honolulu—Other Events Noticed.

From reports received by the James Makee yesterday morning the tidal wave as noticed here Monday was very much more pronounced along the coast of the island of Kauai. Through the kindness of Captain Peterson of the James Makee, which arrived early yesterday morning, an accurate story of all the details of the wave as noticed at Kapaa was given a reporter of this paper.

"We were at Kapaa on Saturday night, but pulled out from there while the wind was blowing a gale. At Hanalei, we lay over Sunday and got back to Kapaa to discharge the remainder of our freight early Monday morning.

"We first noticed the peculiar action of the water at about 7:30 o'clock and I became convinced at once that we were in for a tidal wave. Two boats with sixteen bags of coal apiece had gone ashore, and when I looked in toward the wharf I saw that they were stuck fast in the sand near the landing. A couple of minutes later and they were left high and dry and the sailors were forced to hold up the boats to keep the coal from spilling out. Simultaneously with the occurrence to the boats I felt the Makee settle on the sandy bottom and knew that we were in for it. I made up my mind then and there to get out of that hole as fast as I could. I blew the whistle for the boats, and after making several attempts they succeeded in getting alongside.

"In the meantime the waves were playing havoc with the Makee. We had seven lines attached to buoys, and anchors set in various places, as you are aware that the nature of the bottom inside the reef at Kapaa is such as to allow no anchors to be dropped.

"The swinging motion produced by the waves caused two of our hawsers to part, one at the bow and another at the stern. If we had remained there much longer all our hawsers should have parted and we should have been smashed to pieces on the reef. I can tell you that such a prospect was by no means pleasant.

"We succeeded in getting out into deeper water between two waves at about 9 o'clock. This could have been done by no other steamer than the Makee, for a guardian angel watches over her continually. This is the cause of her proverbial good luck.

"We made for Hanalei to take sugar and left for Honolulu in the evening. Our trip down was one of the worst I ever experienced."

The purser, in speaking of the experience of the Makee, added a few facts to the captain's story.

"The water is twelve feet deep where the Makee was moored. Our good steamer draws eleven feet and when the water receded she was solid in the sand.

"Telephone messages received from Kilauea told of a big wave at that place. The water had receded, leaving a dry space of about forty feet around the landing. At Nawiliwili the water rushed over the Government road and the bridges.

Now is the time to provide yourself and family with a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy as a safeguard against an attack of bowel complaint during the summer months. It costs but 25 cents and is almost sure to be needed before the summer is over. This remedy never fails, even in the most severe cases, and is in fact the only preparation that can always be depended upon. When reduced with water it is pleasant to take. For sale by all druggists and dealers. Benson, Smith & Co., agents for H. I.

Awarded
Highest Honors—World's Fair.
Gold Medal, Midwinter Fair.

DR. PRICE'S CREAM BAKING POWDER

MOST PERFECT MADE.

A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. In all the great Hotels, the leading Clubs and the homes, Dr. Price's Cream Baking Powder holds its supremacy.

40 Years the Standard.

LEWIS & CO.,

Agents, Honolulu, H. I.

BIG WHITE CRUISER ARRIVES IN PORT.

Charleston From Yokohama
Homeward Bound.

OLD FRIENDS AMONG OFFICERS.

Will Remain Only Long Enough to Coal—Probably Stop Four Days—Officers and Men Whose Time Have Expired—Small Band of Musicians.

The big white cruiser Charleston arrived in the harbor at 6:15 last evening, thirteen days and two hours from Yokohama. She has been on the China station since the Japan-China war and is now on her way to San Francisco, and will probably go out of commission for a time.

She was in Che Fu, China, and was ordered to Korea; from there she went to Nagasaki, where she coaled and docked, proceeding later to Yokohama, going north through the inland sea. She sailed from Yokohama June 6th. The voyage over was uneventful beyond a little disarrangement of the boiler tubes. The Charleston will remain here only long enough to coal, when she will continue on to the coast, under orders to get there not later than July 1.

Among the officers are several who have been here, either on the Charleston or other vessels, in past years. Chief Engineer McConnell calls Honolulu his other home and regrets that his stay will be so short that he will be unable to get through his calling list.

Following is the list of officers:

Captain G. W. Coffin.
Lieutenant Commander and Executive Officer Wm. Reeder.
Lieutenant G. Calhoun, Navigator.
Lieutenant Sharpe.
Lieutenant Stafford.
Lieutenant White.
Lieutenant Sims.
Lieutenant Williams.
Marine Officer, Lieutenant Neumann.
Ensign Smith.
Surgeon Gravatt.
Assistant Surgeon Broderick.
Chief Engineer C. J. McConnell.
Past Assistant Engineers Leonard and Matthews.
Assistant Engineer Holmes.
Paymaster Charles Littlefield.
Gunner Cross.
Carpenter Warford.

"JAMIE" WILDER'S TRAVELS.

Will Cross the Island of Borneo Through Unexplored Regions.

The party with which "Jamie" Wilder has joined forces is now in Borneo and intends crossing the island from north-west to southeast. They go up the river near Sarawak, pronounced Sarawa, and when they can no longer use their boats they strike into the unexplored interior. The expedition will take at least eight months and may take a year. The results are expected to be useful from a scientific standpoint, and also will yield a good work of travel from a very bright pen.

Mr. Wilder writes from Singapore, which he says is only a little hotter than Honolulu at noon. He is struck with the cheapness of things. Singapore is a free port; that accounts for it. Mr. Wilder's many friends will be glad to hear that he is in excellent health, and of course in good spirits.

THE ASHFORD AFFAIR.

A Fake Story Causes Excitement in San Francisco.

Some weeks ago there appeared in the columns of an afternoon paper an article relative to the demands of Great Britain upon this Government for permission to V. V. Ashford to return to Honolulu.

The story was not handled by any other paper here, owing to the ridiculous features it contained, but it reached the Coast papers in the usual course.

and much was made of it by the S. F. Chronicle. There were threats against President Dole, visions of gunboats and a further widening of the breach between families and friends.

Minister Cooper was questioned regarding the story last night and he promptly answered that there was nothing to it. England had made no demands that could be construed as aggressive or threatening. There had been some correspondence between the two Governments, but no threats. The last communication received was in February last.

WILL CELEBRATE INDEPENDENCE DAY.

Enthusiastic Meeting at Arlington Hotel.

VARIOUS COMMITTEES APPOINTED.

Treasurer's Report for Year—Money Left From Last Year—No Decision Regarding Ball—Suggestions as to Permanent Committee Celebration.

The preparations for the proper celebration of the Fourth of July from an American standpoint were begun on Thursday evening, when, pursuant to the call of United States Consul General and Charge d' Affaires Ellis Mills, some thirty Americans gathered in the parlors of the Arlington Hotel.

Mr. Mills called the meeting to order and asked for the election of a permanent chairman. Dr. J. S. McGrew was elected by a unanimous vote. F. C. Smith was elected secretary.

G. W. Smith, chairman of the general committee for 1896, read the following report of the finance committee: "Report of Fourth of July Committee, 1895, in account with W. F. Allen, Chairman:

By cash rec'd, balance from 1894 \$ 312.58
By cash rec'd from subscriptions, per list 1,742.00
Total \$2,054.58

EXPENDITURES.

To cash paid to Literary and Printing Committee \$ 65.00
To cash paid Decorating Com. 93.55
To cash paid Fireworks Com. 300.00
To cash paid Grounds and Picnic Committee 378.50
To cash paid Ball and Entertainment Committee 213.50
To cash paid Sports Committee 348.50
To cash paid E. O. Hall & Sons (balance on Honolulu Memorial set) 187.50
Total \$1,536.55

"Leaving a balance of \$518.03."

This report was accepted. Nominations for the General Committee of Twenty-One were then made and the following members were declared elected:

J. W. Jones, W. H. Hoogs, G. W. Smith, J. A. Gilman, E. D. Tenney, E. A. Jones, L. K. McGrew, W. P. Boyd, J. A. McCandless, Geo. Stratmeyer, J. A. Kennedy, W. G. Ashley, J. S. Martin, F. B. McStocker, Ed Towse, D. W. Corbett, W. C. Parke, J. H. Fisher, John Wright, W. O. Wilder, Jr., W. R. Farrington.

Chairman Smith announced that there were some gentlemen who had always been active workers in previous celebrations whose names had been omitted from the General Committee. The following names were forthwith added to the committee:

T. B. Murray, T. F. Lansing, Dr. J. S. McGrew, W. F. Allen, W. R. Sims, Col. R. H. McLean, F. C. Smith, M. M. Scott, A. V. Gear, G. W. R. King, Capt. Good, Capt. Paul Smith and Maj. McLeod.

After a ten minutes' recess the chairman announced the following committees, upon which depends the success of the celebration:

Literature and Music—W. R. Farrington, Ed Towse, A. V. Gear, M. M. Scott, W. O. Parke.

Picnic and Grounds—W. G. Ashley, W. H. Hoogs, L. K. McGrew, D. W. Corbett, John Wright.

Fireworks—J. A. Kennedy, F. B. McStocker, J. S. Martin, T. B. Murray, W. R. Sims.

Sports—J. W. Jones, W. C. Wilder, W. C. Parke, Ed Towse, T. F. Lansing.

Decoration—Geo. Stratmeyer, W. P. Boyd, G. W. R. King.

Finance—E. A. Jones, E. D. Tenney, Col. W. F. Allen, J. A. McCandless, J. A. Gilman, Capt. Good.

Salutes and Bands—Col. R. H. McLean, Lieut. Col. J. H. Fisher, Maj. McLeod, Capt. Paul Smith.

J. W. Jones, as a representative of the Hawaiian Society of Sons of the American Revolution, offered the services of that patriotic order to the committee.

L. K. McGrew offered the services of Wilkie Camp of the Sons of Veterans. These offers of co-operation were accepted with thanks.

There was some discussion as to whether or no a ball should be given on Saturday evening, and by general consent the matter was put over till the Saturday evening meeting.

GOOD CHANCES FOR A SANITARIUM.

Dr. Kellogg and Mr. Yates, With Party, Visit Mountain Site.

CONDITIONS ARE FAVORABLE.

Mr. Dillingham Treating With Eminent Physicians to Construct Sanitarium—Party Delighted With Location—H. M. von Holt to Build.

A sanitarium prospecting party set out from Honolulu Thursday morning, and if Dr. J. H. Kellogg, manager of the great sanitarium at Battle Creek, Mich., and B. F. Dillingham can come to terms one of the beautiful plateaus of the Waianea range will be graced with a health resort that will be second to none.

The party consisted of H. M. von Holt, Mrs. von Holt, Miss Belle Carter, B. F. Dillingham, C. B. Ripley, Frank Brown, Henry Achilles, George Manson, Ed Towse, Dr. J. H. Kellogg, Mr. Yates, and W. R. Farrington. Dr. Kellogg and Mr. Yates are interested in the sanitarium project. Mr. von Holt and Mr. Ripley were more directly interested in the new suburban cottage that Mr. von Holt contemplates erecting, and the newspaper men were taken along for an outing and to see what there was to be seen.

Well provided for a day in the mountains, the party boarded the 9:15 train, and a little after 10 o'clock were landed at Jansen's station, a few miles below Ewa. At this new cattle station where the activity and inventive brain of Mr. von Holt have been instrumental in arranging one of the best cattle pens on the islands, horses were provided, and in a short time the prospectors were on their way up the beautiful slopes of the Waianea. It was a splendid day. The trades were blowing strongly and the sun was clouded just enough to make the ride along the plains at the foot of the mountains as enjoyable as could be desired. As with the ascent of the mountains the beautiful scenery of the Kona, Oahu, district of coast line spread out before the visitors, their enthusiasm found voice in a manner that pleased Mr. Dillingham and augured well for the prospective health resort. When at an altitude of about 800 feet the shower that had been watched as it made its way from Diamond Head along the coast overtook the party. This, however, did not dampen the enthusiasm; besides, the members were informed by Mr. von Holt that only once in 365 days did a trade wind shower find its way to the Waianea range.

The objective point was the pretty valley where the Honolulu goat hunters usually make their camp, and where Mr. von Holt also contemplates erecting a camping lodge, but a wide detour was made in order to give the visitors a view of Manakuli Valley. The scenery of this beautiful spot well repaid the ride along the slippery trail.

This side trip was made without accident, except that Architect Ripley's horse seemed to have absorbed some elementary ideas in geometry. The animal first attempted to describe a tangent from the curve of one of the gulches, and as this was a failure, it endeavored to demonstrate a right angle triangle theorem by sliding down the hillside on its haunches. As these practical demonstrations resulted rather disastrously to the architect's clothing, further examples were deferred till some other day.

About 12 o'clock "Camp Walter Dillingham" was reached and a bounteous lunch was spread under the trees. Every member of the party can attest that the bracing air of the Waianea mountains is conducive to good appetites and good digestion. Here also an opportunity was given to test the cool water that runs from the large and never-falling springs of the mountain side.

Although the capacity of the springs is variously estimated, the experience of the ranchmen has proven beyond a doubt that they will furnish all the water that will be needed for the largest sanitarium, besides supplying water for a bathing pool and fountains for the grounds. The water is clear as crystal and its purity is beyond question.

After lunch the prospectors returned to the Honolulu station by the direct trail, passing over the broad plateau, which at an altitude of 800 to 1,000 feet is a typical site for a health resort. The scenery is magnificent, the atmosphere clear and bracing, and Dr. Kellogg committed himself to the extent of saying that he saw no reason why a sanitarium in that locality would not prove a complete success. As to the matter of roads and easy transit to the railroad, Mr. Dillingham says that the road will be built and the transportation provided by the time the buildings are erected, providing Dr. Kellogg and others interested are prepared to go ahead with a definite proposition.

Should this definite proposition be forthcoming, the improvements carried on in the Waianea section will open up some of the most desirable suburban property on the island. Besides the prospects for suburban residences, the slopes of the mountains contain excellent coffee lands, and there is no reason why the Honolulu coffee planters should not turn their attention to the development of the productive lands of the island of Oahu.

During the next few days Dr. Kellogg, Mr. Yates and Mr. Dillingham will center their efforts in an attempt to bring the Waianea health resort into active being. Dr. Kellogg is a gentleman of means and experience, and should his observations result in favorable conclusions, the funds will be promptly forthcoming.



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Leonard, Mo.

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Delivery can be made to purchaser on the wharf at Papeaiku, on or after October 1st, 1896.

For further particulars, and prices, apply to W. W. GOODALE, Esq., at Papeaiku, or to C. BREWER & COMPANY, L.D., Honolulu. 1769-3m

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FIRST DECISIVE MOVE IN SOUDAN.

Egyptian Troops Win Their First
Victory.

TRANSVAAL PRISONERS RELEASED

Hammond Will Return Home—The St. Paul
Breaks Trans-Atlantic Record—Trou-
ble in Crete—Continued General Foreign
News of the World in Brief.

PIERRET, Egypt, June 7.—The British-Egyptian troops struck the first decisive blow in the Soudan campaign before the sun rose today, and in an hour and a half from the time the first rifle shot rang out this town, hitherto the stronghold of the Dervishes, was captured and the English standard was flying over the bodies of hundreds of the Khalifa's troops who had fallen in the fight. Fully 1,000 Dervishes were killed.

A dispatch to the Chronicle from Fierket, Egypt, says the Dervishes made a hard fight with a large force of riflemen, and not only held their ground, but attempted to advance, with a perfect roar of musketry, which was repulsed by shrapnel and Maxim ball and steady converging volleys, which shattered the mud houses of the town.

TRANSVAAL LEADERS FREE.

President Krueger Opens Political
Prison Doors.

LONDON, June 4.—A dispatch to the London Times from Cape Town says President Krueger, replying to thanks of the four leaders of the Reform Committee, who were released today, made a characteristic smile, saying:

"If my little dogs are naughty, I must whip them, but I am always sorry to do so. The next time I must get hold of a big dog. My little dogs bark, but the big ones bite."

This reference to Cecil Rhodes and the Reformers shows accurately, the Times correspondent says, the feeling of the Boers. The four leaders of the revolt are now free and at liberty to return to their several occupations.

J. B. Robinson, the South African millionaire, has received a telegram from Pretoria saying the four leaders of the Johannesburg Reform Committee will be released on Friday morning.

Consul General to Apia.

WASHINGTON, June 2.—The President has sent the following nomination to the Senate: William Churchill of New York, to be Consul General to Apia.

William Churchill, whose nomination as Consul General at Apia, Samoa, was sent to the Senate today, formerly lived in Oakland. He reached there in 1888 and entered the service of the Tribune. He later held the city desk on the Times in the Moffit regime.

He left there with the wife of a well known newspaper man and her son, and a divorce split followed the elopement. Churchill worked in the weather bureau at Washington and then went to the Brooklyn Times. Captain Glassford, who hunts with President Cleveland, is his friend. Churchill claims connection with the late Lord Randolph Churchill. He is English, but graduated at Yale. He has traveled in the South Seas and was a visitor at the home of Stevenson, the novelist. He lost money in coral hunting, and wrote three South Sea Island stories, "The Princess of Fiji," "Memoires of a South Sea Islander," and "Jack." He tried for the post when retiring Consul Mulligan was named.

General Dimond Resigns.

SAN FRANCISCO, June 10.—Major General W. H. Dimond has again tendered his resignation as the virtual head of the National Guard of California. The resignation is now at Sacramento and only waits Governor Budd's return from the Yosemite for action. The resignation contains some conditions, and these must be considered before action is taken, though it is known that the resignation will be accepted.

Hawaiian Company Bonds.

SAN FRANCISCO, June 4.—The certificate of a new bonded indebtedness of \$750,000 for the purpose of redeeming that amount of the \$900,000 issue now outstanding has been filed in the Superior Court by the Hawaiian Commercial and Sugar Company. The remaining \$150,000 will be redeemed from the income of the company.

Prince of Wales Wins.

LONDON, June 3.—After a racing career of just nineteen years the Prince of Wales today managed to win his first derby, and a quarter of a million spectators of all ranks of life forthwith went mad with enthusiasm. Persimmon started second favorite at odds of 5 to 1 against him, and the Prince won by the result a stake of over \$25,000 and bets believed to amount to only about one-fifth that amount.

LEXINGTON (Ky.), June 8.—In reply to a question Colonel W. C. P. Breckinridge is quoted as follows: "You may simply say for me that I in-

tend to be the next Democratic Congressman from the Ashland district. That is all I have to say just now."

Germany Demands Indemnity.

LONDON, June 5.—A special dispatch from Shanghai says that in consequence of the indignities to which German officers have been subjected by the Chinese soldiers they were detailed to train, culminating in the murder of the Viceroy of Nanking, many of these officers have left Nanking. German ships have arrived there and have demanded a heavy indemnity for the attacks made by the Chinese upon the German officers. The attacks, according to the dispatches, are believed to be a part of a scheme to drive out the Germans and place the Chinese army under Russian control.

Cable Conference.

LONDON, June 2.—The Pacific cable conference, at which representatives of Canada, New Zealand and Australia will be present, will assemble in London this week. The conference will discuss the whole question of Government aid, British and Colonial, for a cable from Canada to Australia. It is probable that the Earl of Selbourne, Secretary of State for the Colonies in the Rosebery cabinet, will be invited to preside over the conference.

Fighting in South Africa.

LONDON, June 7.—A dispatch to the Times from Bulawayo, dated June 6th, says: The American scout, Burnham, has reported that he rode into an impi of 900 Matabele last evening. A column was sent out, which routed the impi, killing 150 natives. A number of Martini repeating rifles were captured.

Moscow's Growing Death List.

PARIS, June 6.—The Eclair asserts that 3,133 persons perished and 40,000 people were injured in the crush on the plain outside of Moscow on Saturday morning last.

Jules Simon Dead.

PARIS, June 8.—Jules Simon, the distinguished French statesman, formerly Premier, died at 11:40 o'clock this morning, aged 83 years.

LONDON, June 1.—Parliament reassembled today. In the House of Commons the Parliamentary Secretary for Foreign Affairs, George N. Curzon, replying to John Morley, denied the existence of any correspondence with Germany on the subject of the Soudan. He added that the correspondence with Italy in this connection was of a military character and could not be laid upon the table.

LONDON, June 7.—Mr. Gladstone has written a reply to a correspondent in which he says: "In my opinion the Turkish Government is the greatest scourge of mankind, and is the greatest scandal and disgrace to religion, including the religion of Mohammed, on the face of the earth."

AKASHEH, June 9.—Major B. Murdock's cavalry occupied Suwayda Monday and captured the entire Dervish camp and a great quantity of supplies. Many of the enemy were killed and fifty Dervishes made prisoners.

ATHENS, June 8.—Advices from Canea, Island of Crete, announce that the insurgents on Saturday defeated the Turkish troops, captured four guns and 200 Martini-Henry rifles. Both sides sustained heavy loss.

YOKOHAMA, May 31.—Count Matsui Munemitsu, Minister of Foreign Affairs, has resigned owing to ill-health. Inotye Ki, Minister of Education, will act as Minister of Foreign Affairs ad interim.

LONDON, June 3.—The Earl of Selbourne, Under Secretary of State for the Colonies, and G. H. Murray, Chief Clerk of the Treasury, have been appointed British delegates to the Pacific cable conference.

MADRID, May 31.—Henry M. Stanley, who has been so seriously ill here as to have made it necessary to send for his wife, has recovered and is able to start for London.

ALEXANDRIA, June 2.—The deaths from cholera at Alexandria numbered fifty, at Cairo twenty, and elsewhere in Egypt forty-five. Total since September 2d, 523.

LONDON, June 3.—The Behring Sea convention was ratified this afternoon by Ambassador Bayard and the Marquis of Salisbury as Minister for Foreign Affairs.

LISBON, May 29.—It is asserted that Portugal has offered to mediate between Great Britain and Brazil in the dispute over the Island of Trinidad.

PARIS, May 30.—The Cabinet has decided to submit to the Chamber of Deputies a resolution proclaiming the Island of Madagascar a French colony.

WASHINGTON, June 2.—Ten years ago today President Cleveland was married in the White House. There was no formal reception today.

LIMON, Costa Rica, May 28.—There have been a series of earthquakes in this district for a week past.

The bark Edward May, in C. Brewer & Co.'s line of packets, sailed from New York for this port on May 29th.

Mothers will find Chamberlain's Cough remedy especially valuable for cough and whooping cough. It will give prompt relief and is safe and pleasant. We have sold it for years and it has never failed to give the most perfect satisfaction. G. W. Richards, Duquesne, Pa. Sold by all druggists and dealers. Benson, Smith & Co., agents for H. I.

GUARDIANS OF HEALTH MEET.

And Decide Upon Important
Questions.

LETTERS FROM DR. ELDRIDGE

Japanese Druggist's Refused Permission to Open (Store)—Black Plague Prevalent in China—Dr. Alvarez Made Secretary of Leprosy Board.

At the regular weekly meeting of the Board of Health held yesterday afternoon there were present President Emerson, Drs. Day and Monsarrat, Messrs. Lansing, Reynolds, Kellipio, and Myers. It was decided that all freight coming to this port from China shall be disinfected before delivery to the various consignees.

Letters from Dr. Eldridge, Sanitary Inspector for Hawaii in Japan, to Minister Cooper, reported the progress of the black plague in China, together with other matters of interest to the Board of Health.

The case of black plague aboard the P. M. S. S. Peru, which left Hongkong for San Francisco May 3d, proved fatal. The case was discovered on the 6th, and the man died after fifteen hours.

A suspicious case was detected on the O. & O. S. S. Coptic, at Nagasaki, upon the arrival of that steamer on May 17th. The vessel was immediately put into quarantine.

Dr. Eldridge states that all reports of official nature which had reached him were to the effect that the plague in Hongkong was more severely epidemic and much more malignant and infectious than in 1894, and that all the ports of Southern China are infected.

Another letter from Dr. Eldridge under date of Yokohama, May 21st, reported one fatal case of cholera in the city of Osaka on May 8th.

The following letter from the same source, under date of May 25th, is as follows: "Steamer Toyo-Maru, which leaves here today, was inspected both in Kobe, where the bulk of the passengers were taken on, and here. The reason of this double inspection was the presence of small-pox in Kobe, Dr. Gardner, as he writes me, thinking it a wise precaution to overhaul the ship before leaving Kobe."

"There is, with the exception of the few cases of small-pox in Kobe, no epidemic disease now present in Japan. From time to time a sporadic case of cholera is reported, but the authorities seem to be very successful, so far, in preventing the spread of the malady."

Another communication under date of May 30th reported the existence of relapsing fever in Japan. The disease is entirely new to the country. It is perhaps probable, however, that the disease, being entirely new to the country, has only been clearly recognized and differentiated within this period. The disease, it seems likely, was brought from the seat of the recent war in Northern China and has already appeared in the district of Japan enumerated below. Says Dr. Eldridge: "Although exact returns of the cases are not yet available, the remarks I have appended will afford some idea of the prevalence of the malady which is undoubtedly the true relapsing or spirochetal fever, and has been met with in the following places: Tokyo Fu, many cases; Osaka, many cases; Chiba Ken, many cases; Hiogo Ken, very many cases; mortality, about 20 per cent. A few cases have been reported from Gifu Ken and Kanagawa."

Flash Inspector Kellipio's report showed 41,000 fish received at the market for the week ending June 15th. Mr. Kellipio reported that a pig sent to the fishmarket for sale after having been roasted was found upon investigation to have undergone the roasting process after having died a natural death. It was condemned immediately.

Health Agent Reynolds asked as to the people authorized to look after the matter of fishing in the harbor. Fishing was going on indiscriminately. The Board intends to call the attention of the proper authorities to the matter.

Dr. Alvarez was made secretary of the Leprosy Board and it was voted that he be given \$10 for each session of the Leprosy Board.

Wm. Clarke, a white leper at Molokai, was granted an increase of \$10 a month, beginning with July 1st. Mr. Clarke has been very active in the matter of planting and caring for trees at the leper settlement and the Board was of the opinion that the work done by him was worth more money.

President Emerson reported that Dr. Day, George W. Smith and himself had met Mr. Hirano (the Japanese who applied for a permit to open a drug store in the city), his interpreter and Dr. Kojima on last Saturday night, and that they had come to the unanimous conclusion that Mr. Hirano was not qualified to run a drug store with safety to the public. A denial was recommended. The Board endorsed the action of the Commission.

President Emerson reported that in some mysterious manner an appropriation for "Expenses of Electric Railway Commission" had been placed under the head of appropriations for the Board of Health. This will be removed from its present uncomfortable condition as soon as the Interior can see the Minister of the Interior and the Auditor-General.

It was decided by the Board to write Mr. Ambrose Hutchinson at the leper settlement that no lepers be allowed to go into Waikolu Valley without his consent.

Board adjourned at 4:30 p. m.

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Vienna and Iron Garden Furniture, Reichenstein & Sells Pianos, Iron Bedsteads, Etc., Etc.

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A. F. COOKE, Manager.

In the Supreme Court of the Hawaiian Islands.

March Term, 1896.

A. STROHM vs. W. F. WILSON,
A. COCKBURN and A. M. McDOWELL.Before JUDD, C. J., FREAR and
WHITING, JJ.

A agreed with B and C in consideration of the loan to him of apparatus, to be used to float a steamer, off the reef when she was aground to pay to B and C \$6000, which was equal to one-third of the price to be paid A by the steamer and to return the apparatus, and, in case of success, then A to also purchase and pay for the apparatus.

The value of apparatus furnished was \$2500. The venture failed. B and C took no part in carrying out the venture, nor did they in any way hold themselves out as partners of A. There was no actual partnership between A and B and C, and no intent to create a partnership.

Held, that B and C were not liable to third parties as partners of A.

Held, that the agreement was not a mere cloak or cover to conceal a latent design, nor a device to escape liability as partners while enjoying the benefits of partnership under the design of a loan.

OPINION OF THE COURT,
BY WHITING, J.

The steam ship "Mowera" was aground off the port of Honolulu and one McDowell agreed with the agents of the vessel to float her without damage to the vessel for the sum of \$18,000, within a period of seven days from the commencement of the work.

McDowell then entered into an agreement with W. F. Wilson and A. Cockburn, whereby, in consideration of Wilson and Cockburn "loaning to him certain cables, blocks, ropes, lumber and other articles to be used by him in the attempt to float off into deep water the steamship 'Mowera,' now stranded on the reef at the entrance to Honolulu harbor," McDowell binds and obliges himself to pay to Wilson and Cockburn, when called upon to do so, \$6,000.00, and it is also agreed that in the event of McDowell being successful in floating the steamship, then he agrees to purchase from Wilson and Cockburn all the said cables, blocks, ropes, lumber and other articles loaned to him by them, and to pay the cost price of the same, delivery to be considered as given by Wilson and Cockburn to McDowell, whenever he succeeds in floating off the steamship, and further agreed that should McDowell fail in his attempt, then he shall immediately after such failure recover and deliver up to Wilson and Cockburn, at the Pacific Mail wharf, all the cables, blocks, ropes, lumber and other articles loaned by them to him.

This agreement was duly acknowledged and recorded in the Registry of Conveyances in Honolulu.

It appeared in evidence that the articles to be furnished by Wilson and Cockburn were not to exceed in the whole \$2,500, and that articles were actually furnished to a large part of that amount. McDowell failed in his attempt. The plaintiff, with numerous other workmen, was employed by McDowell in the attempt to float the steamship, and was to be paid \$3.00 per day and double pay for night work, and if the attempt was successful was to receive double pay for whole time.

McDowell did not pay the plaintiff, and he, the plaintiff Strohm, now seeks to hold the defendants Wilson and Cockburn liable on the ground that they are partners with McDowell in his venture under the agreement between McDowell and Wilson and Cockburn.

At the close of the plaintiff's case a motion for non-suit was made, and granted by the Circuit Judge who heard the case without a jury, "on the ground that the plaintiff had not established a prima facie partnership between McDowell, Wilson and Cockburn at the inception of the enterprise as would authorize McDowell in the absence of the others to bind them for debts incurred by him in the prosecution of the undertaking, and also for the reason that the evidence had failed to show that Wilson and Cockburn or either of them had become liable to pay the wages of the laborers by any acts of omission or commission on their part."

The Judge also found "there was no general sharing of the profits between the defendants as would make them partners as to third parties, in fact there were no profits to be shared. McDowell failed in his efforts, and consequently did not receive any compensation. The theory upon which the courts have held all those who participate in the profits of a business of venture to be partners as to third parties, and thereby liable to pay the general indebtedness, irrespective of any stipulation between themselves, is that they have shared in the results that were made possible by the contraction of the debts, and therefore should contribute to their payment. The \$6,000 agreed to be paid by McDowell was in the nature of a bonus for the advancement of the articles in an hazardous undertaking, in which they might be lost."

"I see no reason for changing the order of non-suit made at the trial."

The foregoing is from the written decision of the Circuit Judge, but in the Bill of Exceptions is set forth the oral decision of the Judge in directing a non-suit as taken by the stenographer, viz:

The Court granted said non-suit and ruled as follows:

"In granting the defendants' motion for a non-suit, the Court finds that there has been no partnership shown, nor such an arrangement or agreement between the parties that it was a sharing in the profits or losses of the enterprise, that the arrangement was between the parties for a loan of these materials, and if the enterprise proved successful they would be repaid for the materials furnished, and also given a bonus on behalf of McDowell."

"The turning point in my mind is,

as I consider the case very close to the line, perhaps a case in which several judges sitting together might all disagree as to whether or not there has been any sharing of profits, that no partnership having existed between the parties themselves, so that McDowell might come upon the other gentlemen for a contribution in case of an individual loss, that there must be a clear showing that there was a participation in profits that they might establish a prima facie case. The most that can be said is that it was a contemplated participation in profits, and therefore would participate in any of the losses of the parties. That is one of the grounds on which I sustain the objection to a prima facie case being made out. As I said before, I consider it a very close case, very near to the line. At present I am of the opinion that a non-suit should be granted, and it is so ordered."

This was not a general trading or commercial business, but a special venture involving special and extraordinary risks. The materials loaned were to be returned or paid for. The price to be paid for the loan is very large, but who can say it was disproportionate to the risk of the venture. The parties to the contract had no intention of making a partnership, and no such intent appears from or can be inferred from the contract itself. The defendants Wilson and Cockburn took no part in the work, nor did they hold themselves out to the plaintiff in any way as partners of McDowell, nor in any manner so as to estop them from denying liability to creditors of McDowell. And considering all the circumstances, there is no partnership.

"Participation in the profits or the right to participate therein is not an invariable test of partnership, even as to creditors. A person not actually engaged in the business as a principal and not holding himself out as a partner cannot be held for debts incurred in the business, unless in virtue of some contract express or implied, on his part, in legal effect creating, as between him and the persons actually carrying on the business, the relation of principal and agent. Merely sharing in the profits, where third persons have not been legitimately led to believe in the existence of a partnership, does not create a partnership as to them, unless there is one in fact, or unless a party has by his acts put himself in such position that he is estopped from denying that he is a partner."

Emerson v. McKenna et al., 16 S. V. Rep., 419.

Merely receiving of profits is not sufficient to constitute a partnership, but all the circumstances must be considered. "Examination of the authorities cited, and of the cases referred to by them, will show that a partnership cannot be inferred merely from a common interest," from a sharing in profits, from the right to account, nor from a direct control over the business."

Tucker v. Estate of Metcalf, 3 Haw., 198.

On the contract itself between Wilson and Cockburn were partners of McDowell. It is claimed by the plaintiff that this document is prima facie proof of a partnership, and that therefore a non-suit should not have been granted; that the agreement to pay \$6,000, which was a third of the price for the successful floating of the steamer, in consideration of the loan of \$2,500 of materials, was a participation in the profits, and therefore is prima facie proof of a partnership. But this is what the Court is to decide, and from the document itself, for there was no testimony outside the contract going to show the existence of a partnership; on the contrary, the evidence produced by the plaintiff, who called the defendant Cockburn, is directly against the theory of a partnership and a direct denial of partnership or intent in any way to be or become partners or to hold out to any one that they, Wilson and Cockburn, had anything to do with the venture other than their own advances—or loans.

It is claimed on the authority of Pooley v. Driver, L. R., 5 Ch. Div., 458, in re Francis, 2, Sawyer, 288, and Parker v. Canfield, 37 Conn., 250, that this document was a mere cloak or device under cover of a loan to conceal a partnership and thus escape liability to creditors.

The law will not tolerate any evasion, but whenever the agreement creates as a matter of fact the relation of partnership, no mere words to the contrary will prevent, as regards third persons, its having its legitimate consequences. That was the law of those cases, and the evidence and facts sustained the conclusions arrived at, and there were many other circumstances in each case which showed a latent design to create a partnership under the disguise of a loan.

But in the case at bar we cannot find sound grounds to suspect any such latent design. It clearly appears that in fact there was no partnership, in fact no intention to in any way create a partnership. Being a special venture, the parties, Wilson and Cockburn, have clearly set forth the intent to loan special apparatus, which, to be sure, they were obliged to purchase, as they were not engaged in any business which required the same to be kept on hand, and there being risk of its entire loss, they sought merely to obtain remuneration in proportion to the risk; and under the circumstances of this case one has the right to fix and limit his liability, and the law will not make a partnership with liability to third parties under these circumstances. It might as well be said that the plaintiff was a partner because he was to receive pay by day, double pay at night, and in case of success, then he was to be paid double that agreed.

The defendants Wilson and Cockburn not having held themselves out to the plaintiff as a partner of McDowell, and not in any way controlling or taking part in carrying out the venture, nor having placed themselves in such position as to estop them from denying a partnership, and there being in fact no partnership created between them and McDowell, we hold that the agreement of loan is not sufficient to create a partnership, and the non-suit was properly granted.

We cannot agree with the reason

given by the Circuit Judge in his oral decision, that there must be an actual participation in profits and not merely a contemplated participation. We do not think this is sound law. Agreement to participate in profits as profits would be as strong as actual participation in the profits. But this will not avail plaintiff in the view we have taken; the result of non-suit is the same although one of the reasons given by the Circuit Judge may have been unsound.

We refer also to the following cases bearing on the main point:

Boston Smelting Co. v. Smith, 13 R. I., 27.

Denny v. Cabot, 6 Met., 32.

Needham v. Valentine, 29 Fed. Rep., 276.

Holmes v. Old Colony R. R., 5 Gray, 58.

Exceptions overruled.

Kinney & Ballou for plaintiff. Neumann-Magoon for defendants.

Honolulu, H. I., May 30th, 1896.

T. H. Davies' Gift.

It is the intention of Mr. Theo. H. Davies to put into the Cathedral a couplet of stained glass windows to the memory of Captain H. W. Mist, R. N. The couplet chosen is on the south side of the Nave, next to the vestry door. Messrs. Clayton and Bell have been instructed to put the execution in hand. The subjects of these two lights are incidents in the lives of David and historical scenes from the Old Testament, which will have its beginning at the west end of the Nave when completed, and proceed eastward in chronological order.—Honolulu Diocesan Magazine.

WHAT IS THAT ONE THING?

It seems like an absurdity, yet it is true all the same. I mean that you might have a cellar full of wood and coal and still shiver with cold; and you would if it were not for one thing. "Oh, that is so obvious," you may say. "It was hardly worth while to hint at it. Anybody can see it with his eyes shut. All the better for me, then; I shan't have to explain. And by the same sharpness you will be able to pick out the important point in two short letters I am about to copy for you."

The first runs thus: "In December, 1890, my daughter (Mrs. M. J. Muther) got into a low, weak, nervous condition. Do what she would, she could not get up her strength. Gradually she wasted away until everv thought she was in a decline, and had not long to live. In fact, she was so low and dejected she did not care whether she lived or not. She was under a doctor for six months, but his medicines did her no good. My husband then said, 'My daughter, I will now see what I can do for you.' What he meant was that he would have her take a medicine called Mother Seigel's Curative Syrup. He had used it himself when he was ill, and thought it might prove as beneficial to her as it had to him."

"Mrs. Muther said she was willing to try the Syrup, although she had little or no faith in its helping one as bad as she was. For if she really had consumption we know there is no cure for that. My husband, however, got a bottle from Mr. Hume, the chemist, in Rochdale Road, and my daughter began taking it. After the first bottle we saw a great improvement. She could eat, and the food caused her no pain. She continued with this remedy, and gradually gained strength, but it took some time to bring her round. She was so very low and weak. After a time she was able to get about, and never looked behind her. Since then she has been strong and well. We have told many persons how Mother Seigel's Syrup restored her to sound health, and are willing you should publish this statement of the facts. (Signed) Mrs. Margaret Watson, 11 Ruby street, Bury, Oct. 8, 1895."

"In March, 1893," says the second letter, "I began to fail in health. I could not say exactly what ailed me. I felt low, weak and tired, and had no strength for anything. My appetite fell away, and what little food I ate gave me great pain at the chest and side. My hands and feet were cold, and nearly all the color left me. I was often in so great pain I could hardly do any work. I was frequently sick, and could keep no kind of food down."

"I got weaker and weaker, in spite of all that was done, and had to be off my work for seventeen weeks. In this way I went on until November of the same year—1893. Then I happened to read about Mother Seigel's Syrup and what it had done for others suffering like me. I got a bottle of this medicine from Mr. W. Heywood, grocer, in Oldham Road, and after taking only the half of it I felt much better. I could eat without pain, and was stronger and brighter every way. When I had finished the bottle I was quite cured, and have had no return of the complaint since. I have told many others about what the Syrup did for me, and out of thankfulness I am willing my letter should be made public. (Signed) Miss Lydia E. Morton, 1 Greaves street, Middleton Junction, near Manchester, October 10, 1895."

Both these ladies say that they were very weak, and that their food of which they could take but little—did them no good. In the midst of plenty they were actually starving. So much wasted was one of them that it was believed she had consumption. The event showed that they both suffered from dyspepsia and nothing else. But that was quite enough, and besides, it often runs into consumption and other fatal maladies. By setting the stomach right, Mother Seigel's Syrup fully cured them both.

Coals and wood are useless without means to light a fire, and bread and meat are as nothing unless we can digest them and make them part of our flesh and bone. That is easy to see and important to remember. And it is its power to help nature work this transformation that makes Mother Seigel's Syrup so wonderful a remedy.

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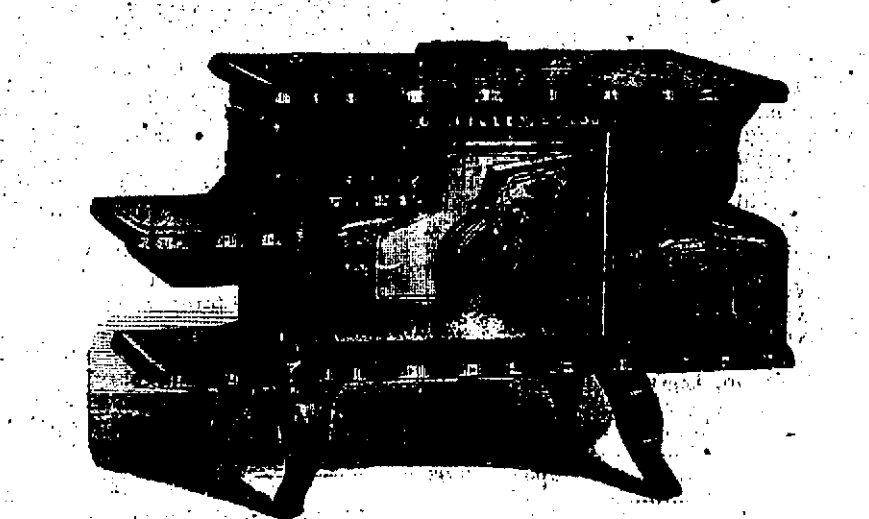
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